

64  
LABOUR AND EMPLOYMENT DEPARTMENT

The 1st May, 1967

No. 3320-3Lab-67/11301.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s Indian Sugar and General Engineering Corporation (Saraswati Industrial Syndicate, Ltd.) Yamuna Nagar:—

BEFORE SHRI HANS RAJ GUPTA, PRESIDING OFFICER, LABOUR COURT,  
ROHTAK

REFERENCE No. 10 of 1967

*Between*

THE WORKMEN AND THE MANAGEMENT OF M/S INDIAN SUGAR AND  
GENERAL ENGINEERING CORPORATION (SARASWATI INDUSTRIAL  
SYNDICATE LTD.) YAMUNA NAGAR

*Present:*—

Shri Kehar Singh, claimant with Shri Madhu Sudan Sharan Cowshish on behalf of the workmen.

Shri Dina Nath, General Secretary of the respondent Company on behalf of the management.

## AWARD

An industrial dispute having arisen between the workmen and the management of M/S Indian Sugar and General Engineering Corporation (Sarswati Industrial Syndicate, Ltd.) Yamuna Nagar, the Government of Haryana by means of their gazette notification No. 83-SF-III-Lab-67, dated 17th February, 1967 and in exercise of the powers conferred on them by Section (10) (1) (c) of the Industrial disputes Act, 1947 have referred to this Court for adjudication the matter mentioned below:—

Whether the dismissal of Shri Kehar Singh was justified and in order? If not, to what relief/ exact compensation he is entitled?

Usual notices were issued to the parties and in response thereto the workmen filed a statement of claim and the management filed their written statement. At the last hearing the parties got a date for arriving at a settlement between them. When the case came up for hearing before this Court today, the representatives of the parties made statements before this Court containing the terms of the settlement arrived at between them regarding the industrial dispute on which the present reference is based. These statements are reproduced below:—

*Statement of Shri Dina Nath, General Secretary of the respondent company on S.A.*

The parties have arrived at a settlement. The management would reinstate the claimant Shri Kehar Singh with effect from tomorrow forenoon, i.e. 21st April, 1967 (F.N.) with continuity of service. The claimant would not be entitled to any back wages for the period ending 20th April, 1967, during which he was not on duty. This period will be treated as leave without pay. An award may be made accordingly.

*Statement of Shri Madhu Sudan Sharan Cowshish on behalf of the workmen on S.A.*

I have heard the statement of Shri Dina Nath made on behalf of the management. It is correct. An award may be made accordingly.

I make this award in terms of the aforesaid statements of the representatives of the parties. There will be no order as to costs.

This award is submitted to the Government of Haryana, Department of Labour as required under Section 15 of the Industrial Disputes Act, 1947.

HANS RAJ GUPTA,

Camp: Jagadhri :  
Dated: 20th April, 1967.

Presiding Officer,  
Labour Court, Rohtak.

No. 3241-3Lab-67/11303.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of

65

the dispute between the workmen and management of M/s Indian Landsberg Implements (P) Ltd, Faridabad:-

**BEFORE SHRI HANS RAJ GUPTA, PRESIDING OFFICER, LABOUR COURT,  
ROHTAK**

REFERENCE NO. 46 OF 1966

*Between*

**THE WORKMEN AND THE MANAGEMENT OF M/S INDIAN LANDS BERG  
IMPLEMENT (P) LTD., FARIDABAD**

*Present:—*

Shri Gajinder Pal workman of the respondent factory.  
Shri H.N. Singh with Shri S.L. Gupta on behalf of the management.

**AWARD**

An industrial dispute between the workmen and the management of M/s Indian Landsberg Implements (P) Ltd., Faridabad having come into existence, the State Government by means of their gazette notification No. 481-SF-III-Lab-I-66, dated 14th July, 1966 and in exercise of the powers conferred on them by Section 10(1) (c) read with proviso to that sub-section of the Industrial Disputes Act, 1947 referred to the Labour Court, Jullundur, the matter mentioned below:—

Whether the workmen are entitled to any increase in the shape of dearness allowance? If so, at what rate and with what details?

The reference has subsequently been transferred to this Court as a result of the creation of the State of Haryana.

In response to the usual notices the management filed their written statement. The workmen have not filed any statement of claim in this case. They have, however, filed their reply to the written statement of the management. The demand notice served upon the management on behalf of the workmen demands that dearness allowance should be paid to all the workers at least at the rate of 25 percent of their wages. The management in their written statement have pleaded that the salaries being paid by them to their employees compared favourably with other firms having similar status and reputation and that these salaries were higher than those prescribed by the State Government under the Minimum Wages Act. They have further pleaded that the respondent concern has been running in loss for the last several years as would be clear from the balance sheets and the profit and loss accounts of the respondent concern for these years. It is stated that on account of the weak financial position of the respondent concern, the management are not in a position to give any more dearness allowance to their workers. The workmen have pleaded that they should be allowed increase in the form of dearness allowance according to the cost of living index.

The following issue was framed in the case:—

Whether the workmen are entitled to any increase in wages in the shape of dearness allowance? If so, at what rate and with what details?

The burdon of proving this issue was on the workmen. They have not produced any documentary evidence to substantiate their claim nor any independent oral evidence to support the allegations on which their claim is based. They have produced two witnesses Shri Gajinder Pal who is a workmen of the respondent factory and Shri Ghanysham Parshad Sharma who claims to be the general secretary of Metal Box Mazdoor Union, Faridabad. Shri Gajinder Pal admits that he joined the respondent concern in June, 1963 on a pay of Rs 120 P.M. and that at present his pay is Rs. 150 P.M. He admits that he is also getting a dearness allowance of Rs 7-50 paise P.M. from November, 1964. It is admitted that the wages of the respondent concern are not less than those fixed under the Minimum Wages Act in December, 1965. This witness also admits that the management have implemented the decision of the Tripartite Committee dated 28th January, 1967 and have given interim relief to all its workers with effect from 1st August, 1966. He also admits that there is a Consumers Co-operative stores at Faridabad where articles of daily used are sold at cheaper rates as compared to those prevailing in the market. This witness also appeared on behalf of the management as M.W. 2 in these proceedings. He proves the application Ex. M/5 which the workmen of the respondent company gave to the Conciliation Officer, Bhiwani. The workmen had raised a demand for bonus and the same was pending before the Conciliation Officer. It appears that at a meeting of the parties in the presence of the Conciliation Officer, the management represented that the workmen could study the balance sheets of the management

to satisfy themselves that there had been no profit to the respondent company. This application states that the workmen had studied the balance sheets for the years 1963-64 and 1964-65 and other relevant accounts and were satisfied with the same. They, therefore, prayed for withdrawal of their demand notice regarding the claim for bonus. This application is signed by the workmen of the respondent company including Shri Gajinder Pal witness who has proved this application. This document shows that according to the workmen themselves the financial position of the company was not good. This document is dated 26th March, 1966. The management have filed a statement showing the losses incurred by them from the years 1960-61 to 1964-65. This statement has been proved by their Accountant Shri Surinder Kumar Jain who has appeared as a witness on behalf of the management. He brought the account books of the concern with him when his evidence was recorded. The accounts of the company show a loss of Rs 41,570 during the financial year 1960-61 and adding to it the loss for the previous year the total loss carried forward at the end of 1960-61 was Rs. 47,964. There was a further loss of Rs. 15,967 during the year 1961-62. During the subsequent two years there was a small profit not on account of any business of the company but because of the hire received from the buildings and the machinery which the company gave on hire to others and also from the sale of a car belonging to the company. The company is still carrying forward an accumulated loss of more than Rs. 38,000. It appears that because the company was running in loss it preferred to give some of its building and machinery on hire to other parties to minimise the amount of total loss. One fact is clear that the company is not running in profit. This fact is also approved from the application Ex. M/5 of the workmen themselves. The evidence on record shows that the wages paid by the company to its employees are higher than those fixed under the Minimum Wage Act only in December, 1965. Ex. M/1 is a statement showing the wages paid by the company to its employees. This is in evidence that the company was one of those concerns which represented to the Faridabad Industries Association that the financial position of the company did not warrant implementation by them of the recommendations of the Central Wage Board. However, the company has implemented the decisions Ex. M/4 of the Tripartite Committee appointed by the Haryana Government as a result of the recommendations of the Central Wage Board in Engineering Industry regarding the interim relief. The decisions of the Tripartite Committee are dated 28th January, 1967 and it allows an increase of Rs. 9 P.M. to an employee whose wages is upto Rs. 105. Similarly increases have been allowed under that decision to other employees have been allowed under that decision to other employees whose wages are more than Rs. 105. The testimony of Shri Ghanshyam Parshad Sharma produced on behalf of the workmen is not of much assistance. There is nothing on the record that the respondent company is of the status and has the same good financial position as the two or three concerns mentioned by Mr. Sharma. No one from those concerns has been produced to show that the facts stated by Mr. Sharma are correct. Considering all the material on the record and the facts and the circumstances of this case I am satisfied that the respondent company is not in a position to make any increase in the wages of its employees in the shape of dearness allowance. The workmen have failed to discharge the onus of proving that they are entitled to any increase in wages in the shape of dearness allowance from the respondent company. I award accordingly. There will be no order as to costs in this case.

This order is submitted to the Government of Haryana, Department of Labour as required under Section 15 of the Industrial Disputes Act, 1947.

Dated 17-4-1967.

HANS RAJ GUPTA,  
Presiding Officer,  
Labour Court, Rohtak.

No. 3297-3Lab-67/11325. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s. Chiranji Lal owners of Flour Mills, Village and P.O. Badshapur, district Gurgaon :—

BEFORE SHRI HANS RAJ GUPTA, PRESIDING OFFICER, LABOUR  
COURT, ROHTAK  
REFERENCE No. 13 of 1967  
*Between*

THE WORKMEN AND THE MANAGEMENT OF M/S. CHIRANJI LAL  
OWNERS OF FLOUR MILLS, VILLAGE AND P.O. BADSHAHPUR,  
DISTRICT GURGAON

*Present :*

Shri Ram Parshad claimant with Shri C. B. Kaushik on behalf of the workmen.  
Shri Chiranji Lal respondent with Shri Rameshwar Dayal.

67  
AWARD

An industrial dispute having arisen between the workmen and the management of M/s. Chiranji Lal owners of Flour Mills, Village and Post Office Badshahpur, district Gurgaon, the Government of Haryana by means of their gazette notification No. 84-SF-III-Lab-67/2826, dated 15th February, 1967 and in exercise of the powers conferred on them by Section 1; 10(1) (c) of the Industrial Disputes Act, 1947 have referred to this Court for adjudication the matter mentioned below :—

Whether the termination of services of Shri Ram Parshad, son of Jeta was justified and in order ? If not, to what relief/exact compensation is he entitled ?

Usual notices were issued to the parties and in response thereto the workmen filed a statement of their claim and Shri Chiranji Lal respondent filed his written statement. It was pleaded on behalf of the workmen that the claimant Shri Ram Parshad was employed as a mistry in the respondent mills for the period 29th September, 1965 to 31st July, 1966 and that he has been dismissed by the respondent from his service with effect from 1st August, 1966 without any charge sheet or show cause notice issued on him or any enquiry held against him. It is pleaded that in these circumstances the termination of services of the claimant Shri Ram Parshad is illegal and unjustified and he is entitled to re-instatement with continuity of service and full back wages.

The respondent Shri Chiranji Lal in his written statement has pleaded that he never employed the claimant Shri Ram Parshad and therefore the question of termination of services of Shri Ram Parshad by him does not arise. He pleads that he has a small flour mills in village Badshahpur where there are twenty more such mills and that he is hardly earning a sum of Rs 100 to Rs 110 per month from his business and the net profit after deducting the expenses of the business comes to Rs 40 per mensem and he therefore cannot afford to keep an employee on his mills. He categorically denies that Shri Ram Parshad claimant ever served on his mills.

The following issues were framed in the case :—

- (1) Whether Shri Ram Prashad was an employee of the respondent mills ?
- (2) If issue No. 1 is decided against the management, whether the action of the management in terminating his services was justified and in order ?

### 3. Relief.

The evidence of the parties on the above issues was recorded on 18th April, 1967 and their arguments heard on the same date.

*Issue No. 1.*—The onus of proving this issue is on the workmen. No documentary evidence has been produced by the workmen in this case. The claimant Shri Ram Parshad was present before this Court throughout the hearing on 18th April, 1967. He did not dare to step into the witness box to depose that he had ever been employed in the respondent mills. This raises a very strong presumption against the workmen who could not even put Shri Ram Parshad into the witness box to depose that the allegations made by the workmen on his behalf are correct. The workmen have produced two witnesses Sarvshri Chuni Lal and Joginder Singh. They have deposed that the claimant Shri Ram Parshad worked in the respondent mills for eight or ten months. I have not at all been impressed by the testimony of these two witnesses. Their testimony is discrepant on certain points. The respondent Shri Chiranji Lal on the other hand has produced four witnesses including himself. Shri Teju Ram is a man who is residing in the neighbour hood of the respondent mills. His house is only at a distance of a few yards from the respondent mills. He had occasions to see the respondent mills from close quarters. He is an oldman of sixty-five and I have no reason to disbelieve his testimony. He has deposed that the respondent mills has been in existence for the last two years and there has never been an employee on this mills and that Shri Chiranji Lal respondent and his brother Yad Ram themselves work at the mills. Shri Tara Chand another witness of the respondent is a Lambardar and is also residing in the neighbourhood of the respondent mills. The third witness of the respondent is Shri Lachhi Ram a Bazar Chaudhry of village Badshahpur to which the parties belong. Both Shri Tara Chand Lambardar and Shri Lachhi Ram Bazar Chaudhry corroborate the testimony of Shri Teju Ram that Shri Ram Parshad claimant never worked on the respondent mills which is being run by Shri Chiranji Lal respondent and his brother Yad Ram. They are respectable witnesses and nothing has been brought out in their cross-examination by the workmen as to why they are deposing falsely against the claimant Shri Ram Parshad. Shri Chiranji Lal respondent himself has also gone into the witness box and made at categorical statement that the claimant Shri Ram Parshad was never employed by the respondent. I believe the testimony of the witnesses produced by the respondent to the effect that Shri Ram Parshad claimant was never an employee of the respondent mills. Issue No. 1 is decided against the workmen.

*Issue No. 2.*—In view of my finding on issue No. 1, this issue does not arise. As the claimant was never an employee of the respondent mills, the question of the termination of his services by the management does not arise.

*Issue No. 3.*—The claimant Shri Ram Prashad is not entitled to any relief. There will be no order as to costs.

This award is submitted to the Government of Haryana, Department of Labour as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 21st April, 1967

HANS RAJ GUPTA,  
Presiding Officer,  
Labour Court, Rohtak.

B. L. AHUJA,

Secretary to Government, Haryana,  
Labour and Employment Departments.

**EXCISE AND TAXATION DEPARTMENT**  
The 1st May, 1967

No. 2467-T(IV)-67/1432.—In exercise of the powers conferred by section 17 and sub-section (4) of section 24 of the Punjab Excise Act, 1914 and all others

powers enabling him in this behalf the Governor of Haryana is pleased to cancel the Punjab Government Revenue Department Excise and Taxation notification No. 989-E & T, dated the 10th March, 1949.

M. C. GUPTA, Dy. Secy.

**REVENUE DEPARTMENT**

**WAR JAGIR**

The 28th April, 1967

No. 1819-R(IV)-67/1229.—*Corrigendum.*—In Punjab Government (Revenue Department) notification No. 393-JN-III-66/1660, dated the 1st February, 1966, published in Joint Punjab Government Gazette, dated the 11th February, 1966, the words "Sukh" shall be substituted for the words "Mukh" appearing therein.

No. 773-R(IV)-67/1232.—In exercise of the powers conferred by sections 2(a)(ii) and 3(1)(a) of the East Punjab War Awards Act, 1948, the Governor of Haryana is pleased to make a grant of a War Jagir of the annual value of Rs 100 (Rupees one hundred only) in favour of Shri Chhattar Singh, son of Shri Kapur Singh of village Kharawar, tehsil and district Rohtak, subject to such conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to him.

This grant will take effect from Kharif, 1948.

No. 1841-R(IV)-67/1239.—In exercise of the powers conferred by Section 2(a) (ii) and 3(1)(a) of the East Punjab War Awards Act, 1948, the Governor of Haryana is pleased to make a grants of War Jagir of the annual value of Rs. 100 (Rupees one hundred only) in favour of Smt. Sona Bai, Wd/o Shri Bhiwani

Singh, of village Kharani, Tehsil and District Mohindergarh subject to such conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

This grant will take effect from Rabi, 1957.

No. 1457-R(IV)-67/1251.—In exercise of the powers conferred by sections 2(a)(ia) & 3 (IA) of the East Punjab War Awards Act, 1948, the Governor of Haryana is pleased to make a grant of war jagir of the annual value of Rs 100 each (rupees one hundred only) in favour of Shri Nanak Singh, s/o Shri Sher Singh, of Village Mehlawali, Tehsil Jagadhri, District Ambala subject to such conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to him :—

This grant will take effect from Rabi, 1966.

No. 1597-R(IV)-67/1256.—In exercise of the powers conferred by sections 2(a)(ia) and (3)(1a) of the East Punjab War Awards Act, 1948, the Governor of Haryana is pleased to make a grants of War Jagir of the annual value of Rs 100 each (Rupees one hundred only) in favour of the under-mentioned persons subject to such conditions as to its enjoyment as are contained in the respective Sanads of the Jagir granted to them :—

Serial No.	District	Name of the grantee	<i>Particulars about his residence</i>	
			Village	Tehsil
1	Mohindergarh	Shri Bansi Lal, son of Shri Janki	Saidpur	Narnaul
2	Do	Shri Tansukh Ram, son of Shri Chaina	Jasawas	Mohindergarh

These grants will take effect from Rabi, 1964.